



THE ATTORNEY GENERAL OF TEXAS

PRICE DANIEL
ATTORNEY GENERAL

AUSTIN 11, TEXAS

April 16, 1947

Hon. Pauline R. Kibbe
Executive Secretary
Good Neighbor Commission
Austin, Texas

Opinion No. V-150

Re: Legality of segregation of Latin
Americans, prohibiting their use
of a county swimming pool.

Dear Madam:

Your request for our opinion upon the above subject matter is as follows:

"The Good Neighbor Commission is in receipt of complaints against the arbitrary segregation of Latin Americans in Fort Stockton, Pecos County, Texas, particularly in the county owned and operated swimming pool.

"I am enclosing herewith photostatic copy of the lease entered into between Pecos County Water Improvement District No. 1 and Pecos County on April 11, 1944, as well as photostatic copy of a Resolution, dated July 7, 1943, with regard, evidently, to a previous similar lease, dated March 6, 1939.

"You will note that the Resolution prohibits Latin Americans from using the swimming pool in question, and mentions no reason for this segregation.

"We respectfully request your opinion as to the legality of this Resolution."

The photostatic copy of the resolution connected with the lease presented by you, in subdivision 1, declares:

"That the property set out in said lease contract above referred to owned by said district, and partly by Pecos County, and being a stone bath house near the waters of Comanche Chief and Government Springs, and the water from said springs and water that may flow into the swimming pool from said springs, and all of said property now being in use for bathing purposes be used soely by the Anglo-American people, and that no person or persons of the Latin-American race shall be permitted to use said property for swimming, bathing, drinking or for any other purpose."

We beg to advise there is no justification in the law for a type of segregation of the Anglo-American and the Latin-American races contemplated in the provision above quoted, in the matter of privileges or uses in respect to public rights as contradistinguished from purely private rights.

We hand you herewith copy of our recent Opinion No. V-128, which may be of interest to you in this connection.

SUMMARY

A provision in a lease by the Board of Directors of Pecos County Water Improvement District No. 1 and Pecos County, for bathing, swimming, and other purposes of like kind by the public may not lawfully carry a provision "that no person or persons of the Latin-American race shall be permitted to use said property for swimming, bathing, drinking or for any other purpose."

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By /s/ Ocie Speer
Ocie Speer
Assistant

APPROVED APR 17 1947
/s/ Price Daniel
ATTORNEY GENERAL OF TEXAS

OS:sl:WB